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From: Taylor, Karen
Sent: Tuesday, June 18, 2013 5:49 PM
To: Jamison, Rebecca; barnhart_bethany@bah.com
Cc: Mcchesney, Dennis
Subject: PR UST reg - delivery prohibition authority

The delivery prohibition authority is in the Environmental Public Policy Act (Law 416) Section 9 (a)(8) and will be in the new PRUST Rule 879 (formerly Rule 1008).

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Rule 879 Closure of a Facility or an Underground Storage Tank System

- A. The Board may order the closure of a facility or UST system found in non-compliance with this Regulation, or if a violation persists after the time limit granted by the Board under a notice of violation, an order or any other enforcement action.
- B. The closure order shall remain in effect until the facility with the UST system is in compliance with this Regulation and the permits issued. The person against which said order is issued may request an administrative hearing where reasons shall be stated to explain why the order should be modified or revoked and not put in effect. The filing of the request for administrative hearing shall not exempt a person from complying or obeying any order or decision of the Board, nor shall it operate in any time as a suspension or postponement of its effectiveness, unless a special order form the Board so directs.

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Law 416, Section 9 Powers and Duties

(a) The Environmental Quality Board, under the authority conferred onto its Executive Director, shall have the following duties, powers, and functions:

(1)Issuing administrative orders to require remuneration for the Environmental Quality Board or to bring any civil or administrative action against any person with the purpose of covering any expenditure incurred by the Environmental Quality Board or any other instrumentality of the Government of the Commonwealth of Puerto Rico for the removal, correction or termination of any adverse effect on the quality of the environment as a result of unauthorized pollutants being discharged, whether accidentally or not. Such orders shall apprise persons to whom these are addressed of their right to pay the amount of money claimed or to request the holding of an adjudicative hearing under the Uniform Administrative Procedures Act, §§ 2101 et seq. of Title 3, and the regulations approved thereunder by the Board.

(7)Ordering persons causing or contributing to a condition which harms the environment and natural resources or which poses an imminent danger for the public health and safety, to immediately diminish or discontinue their actions. Such orders shall apprise the person so ordered of his/her right to request that an adjudicative hearing be held pursuant to the Uniform Administrative Procedures Act, §§ 2101 et seq. of Title 3, and the regulations approved thereunder by the Board.

(8)Issuing orders to do or forbear or to cease and desist so as to take the preventive or control measures that, in its judgment, are necessary to achieve the purposes of this chapter and the regulations promulgated thereunder. The natural or juridical person against whom such order is issued may request an administrative hearing to state the reasons

for having such order modified or revoked and the reasons for which such order should not be put into effect. The final resolution or decision of the Governing Board of the Environmental Quality Board may be reconsidered and reviewed in the manner provided for in the Puerto Rico Uniform Administrative Procedures Act, §§ 2101 et seq. of Title 3. The effects of such resolution or decision of the Board shall not be stayed, unless so ordered by the Circuit Court of Appeals of Puerto Rico or by the Governing Board itself, pursuant to the procedure prescribed in § 8002f of this title and to the provisions of the Puerto Rico Uniform Administrative Procedures Act.

(10) The Environmental Quality Board, represented by its members, consultants, contractors, agents or employees, may enter and examine the establishment, equipment, facilities and documents of any person, entity, firm, or government agency or instrumentality under its jurisdiction with the purpose of investigating and/or inspecting environmental conditions.

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